



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

VIA FACSIMILE AND REGULAR MAIL

SEP 12 2002

Mr. Jeffrey D. Dayon  
Attorney-at-Law  
Mishaan, Dayon & Lieblich  
1001 Ave. of the Americas, Suite 2403  
NY, NY 10018

RE: MUR 5279

Dear Mr. Dayon:

I am writing in reference to your client Ralph Tawil, Sr. I talked to you on August 22, 2002 and I have since left a couple of messages regarding the Federal Election Commission's reason to believe finding that Mr. Tawil, Sr. violated certain provisions of the Federal Election Campaign Act. I am sending you the enclosed packet that we previously sent to your client because he indicated to our investigator on August 20, 2002 that you would be representing him in this matter.

Please review the enclosed packet with your client and return the questionnaire by September 30, 2002.

If you have any questions or would like to discuss this further, you can reach me or Michelle Abellera at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Albert Veldhuyzen".

Albert Veldhuyzen  
Attorney



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

JUL 1 2 2002

Ralph Tawil, Sr.  
8 Seaview Ln.  
Deal, NJ 07723

RE: MUR 5279  
Bill Bradley for President, Inc.

Dear Mr. Tawil, Sr.:

On June 26, 2002, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(1)(iv), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. In addition, please complete and return the enclosed questionnaire within 15 days. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

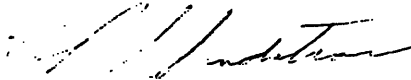
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Albert Veldhuyzen or Michelle E. Abellera, the attorneys assigned to this matter, at (202) 694-1650.

Sincerely,



Karl J. Sandstrom  
Vice Chairman

Enclosures  
Factual and Legal Analysis  
Procedures  
Designation of Counsel Form  
Questionnaire

1  
2 **FEDERAL ELECTION COMMISSION**  
3 **FACTUAL AND LEGAL ANALYSIS**  
4

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6 **RESPONDENT:** Ralph Tawil, Sr.

**MUR:** 5279

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8 **I. GENERATION OF MATTER**

9 This matter was generated by an audit of Bradley for President, Inc. ("Committee") and  
10 Theodore V. Wells, as treasurer, undertaken in accordance with 26 U.S.C. § 9038(a).

11 **II. FACTUAL AND LEGAL ANALYSIS**

12 **A. Law**

13 The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that no  
14 person shall make a contribution in the name of another person or knowingly permit his name to  
15 be used to effect such a contribution, and no person shall knowingly accept a contribution made  
16 by one person in the name of another. 2 U.S.C. § 441f. *See also* 11 C.F.R. § 110.4(b)(1).

17 **B. Contribution in the Name of Another**

18 The Committee received 40 business checks totaling \$40,000 on June 22, 1999. The  
19 checks were written on the accounts of 40 different business entities and attributed to 39  
20 individuals. A contribution schedule provided by the Committee listed all the contributors as  
21 partners in various "partnerships;" the schedule listed the names of the partnerships, the  
22 contributing partner and the address of the partnership. All of the partnerships have the same  
23 address: 26 Columbia Turnpike, Florham Park, NJ. This address is the corporate headquarters of  
24 Kushner Companies, a business owned and chaired by Charles Kushner.<sup>1</sup> Mr. Kushner has been  
25 identified as an officer/director of Harbor Island Realty Associates.

<sup>1</sup> Dun and Bradstreet reports indicate that Kushner Companies is involved in approximately 100 locations. These properties appear to be managed by partnerships or limited liability companies in which Kushner Companies is the general partner.

1           One of the contributions (check #4227 written for \$1,000) was attributed to Ralph Tawil,  
2   Sr. as a partner of Harbor Island Realty Associates. However, there is no evidence to confirm  
3   that Mr. Tawil is a partner in Harbor Island Realty Associates or that Mr. Tawil's individual  
4   partnership account was charged.<sup>2</sup> The Commission attempted to verify the status of Harbor  
5   Island Realty Associates through Dun and Bradstreet and the New Jersey Secretary of State.  
6   There was no evidence that Mr. Tawil was a "partner" of Harbor Island Realty Associates.

7           An examination of all 40 contribution checks indicates that they were mass-produced and  
8   originated from a single corporate source. The accountholder's name, bank routing numbers and  
9   other notations all appear to be printed in the same type as the payee and amount information.  
10   All but three checks contained the same typographical error. The fundraiser's name, Sapoch, was  
11   spelled incorrectly in the payee line ("Japoch"). All of the checks were drawn on accounts held  
12   at two different banks, Norcrown Bank and Valley National Bank. Norcrown Bank is part of the  
13   Kushner group of businesses. Lastly, all the checks appear to have been signed by the same  
14   person. Although not legible, the signatures on the checks appear very consistent.<sup>3</sup> Given the  
15   likelihood that the checks were signed by Mr. Kushner and originated from Kushner Companies  
16   and given the absence of evidence that the partners of the various partnerships intended to make  
17   contributions, the Office of General Counsel believes that Kushner Companies and/or Mr.  
18   Kushner were the true source of the contributions.

19           Given Kushner Companies and Mr. Kushner's control over Harbor Island Realty  
20   Associates and other partnerships, Mr. Kushner's relation to other named contributors, and the

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<sup>2</sup>       The Committee sent follow-up letters to determine the eligibility of the contributions for matching funds. Only 4 of the 39 contributors replied to the Committee's request for verification. Mr. Tawil did not reply.

<sup>3</sup>       A comparison of the check signatures with Mr. Kushner's signature as displayed on the Kushner Companies' website suggests that the signatures may have originated from the same person.

1 fact that the contributions appear to be signed by the same individual, were written for the same  
2 amount, and delivered on the same day, it is likely that contributions were made in the name of  
3 another. Furthermore, Mr. Tawil made contributions to other federal campaign committees  
4 under similar circumstances. The presence of this bundling pattern of contributions suggests that  
5 Mr. Tawil may have allowed his name to be used to effect contributions in the name of another.  
6 Accordingly, the Commission found reason to believe that Ralph Tawil, Sr. violated 2 U.S.C.  
7 § 441f and 11 C.F.R. § 110.4(b)(1)(iv).

24-01-408-2413